



# California Fair Political Practices Commission

July 26, 1989

Robert E. Leidigh  
Olson, Connelly, Hagel and Fong  
300 Capitol Mall, Suite 350  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-89-381

Dear Mr. Leidigh:

This is in response to your letter requesting advice on behalf of the Senate Rules Committee regarding application of the mass mailing provisions of the Political Reform Act (the "Act").<sup>1/</sup> Please note that the Commission is currently reconsidering various aspects of Regulation 18901. Since the Commission may amend the regulation in the near future, the advice in this letter is subject to change.

## QUESTION

May magazines which contain the names and depictions of elected officials be distributed in boxes placed at the following locations:

1. Public areas of a local county fairground during the county fair;
2. In public areas of a local public school;
3. In a local public library;
4. In a local public hospital waiting room;
5. In a local government administrative building;

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<sup>1/</sup> Government Code Section 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

6. In a state office or agency, such as the Department of Motor Vehicles;

7. In a legislator's capitol or district offices;

8. During other public events sponsored in whole or in part by a public entity.

#### CONCLUSION

Members of the public who come to a public agency's office or to a meeting of a public agency and pick up materials for themselves are deemed to have made an unsolicited specific request for those materials. Thus, distribution boxes may be placed at any local government or state agency facility, including:

1. Public areas of a local county fairground during the county fair;

2. In public areas of a local public school;

3. In a local public library;

4. In a local public hospital waiting room;

5. In a local government administrative building;

6. In a state office or agency, such as the Department of Motor Vehicles;

7. In a legislator's capitol or district offices;

8. During a meeting of a state or local agency or a meeting conducted by an elected official.

#### FACTS

The Senate Rules Committee has been asked if senators may produce and distribute an informational magazine that will contain the names and cartoon depictions of various specific senators. The magazine illustrates the governmental process and has been developed for students. You have asked whether the senators may distribute these materials by placing distribution boxes in a variety of public locations.

#### ANALYSIS

Section 89001 provides that no newsletter or other mass mailing shall be sent at public expense. Section 82041.5 defines a mass mailing as more than two hundred substantially similar pieces of mail sent in a calendar month. However, Regulation 18901(b) (copy enclosed) provides that a newsletter or other mass mailing is not prohibited by Section 89001 if it contains only information or material sent in response to unsolicited specific requests.

As used in this regulation, "unsolicited" specific request means a communication which is not requested or induced by the recipient elected officeholder or any third person acting at his or her behest. Where members of the public come to a public agency's offices or to a meeting and pick up materials for themselves, they will be deemed to have made an unsolicited specific request for those materials. (Regulation 18901(h); Connelly Advice Letter, No. A-89-198, copy enclosed.)

Thus, pursuant to this exception we have said that materials which members of the public pick up for themselves at a meeting or at public libraries, city hall or other city offices will be considered sent in response to an unsolicited request. (Phillips Advice Letter, No. I-88-458, copy enclosed; Connelly Advice Letter, supra.) In addition, materials made available at a public facility such as a school and which are picked up by students or other members of the public of their own volition are provided in response to an unsolicited request. (Alquist Advice Letter, No. I-89-109; Connelly Advice Letter, No. I-89-110, 111 and 112, copies enclosed.)

"Public agency offices" as used in this exception, would include the facilities of any local government or state agency. "Local government agency" means a county, city or district of any kind including school district, or any other local or regional political subdivision, or any department, division, bureau, office, board, commission or other agency of the foregoing. (Section 82041.) "State agency" means every state office, department, division, bureau, board and commission, and the Legislature. (Section 82049.)

Therefore, distribution boxes may be placed in any state or local government facility, including:

1. Public areas of a local county fairground during the county fair;
2. In public areas of a local public school;
3. In a local public library;
4. In a local public hospital waiting room;
5. In a local government administrative building;
6. In a state office or agency, such as the Department of Motor Vehicles;
7. In a legislator's capitol or district offices.

In addition, distribution boxes may be made available during a meeting of a state or local agency or a meeting conducted by an elected official.

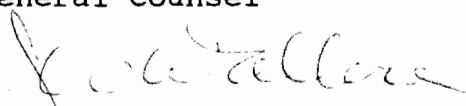
File No. A-89-381

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If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: John W. Wallace  
Counsel, Legal Division

KED:JWW:plh

Enclosures

Law Offices of  
OLSON, CONNELLY, HAGEL & FONG

June 27, 1989

JUL 27 4 45 PM '89

Kathryn Donovan  
General Counsel  
FAIR POLITICAL PRACTICES COMMISSION  
428 "J" Street, Suite 800  
Sacramento, California 95814

**RE: REQUEST FOR FORMAL WRITTEN ADVICE REGARDING  
REGULATION 18901**

Dear Ms. Donovan:

I write in my capacity as special counsel to the Senate Rules Committee to request formal written advice regarding the application of Commission Regulation 18901.

FACTS

The Senate Rules Committee is the legal entity which publishes all mass mailings for the California State Senate and its members. As such, the Senate Rules Committee is directly concerned with the propriety of any such publication under the Commission's interpretations of Section 89001.

Several members of the Senate have asked the Senate Rules Committee to approve publication of literature which may be generically described as "comic books." An exemplar is enclosed for your review.

The exemplar describes in narrative and illustrated form "How A Bill Becomes Law." The depictions contained in the document are cartoon-type renditions which illustrate various steps in the legislative process. The final product will be professionally illustrated and will contain one or more depictions of specific Senators and will also contain textual and other references to specific Senators.

QUESTIONS

The Senate Rules Committee understands that any Senator who is named, depicted, or otherwise "featured" in such a document may not distribute more than 200 of these in any calendar month to persons who have not specifically requested such information. The questions posed here relate to the methods by which such documents may be made available to the public for individuals to pick up of their own volition, thereby constituting an "unsolicited specific request" for the document.

---

LANCE H. OLSON  
BRUCE J. HAGEL  
LEROY Y. FONG  
ROBERT E. LEIDIGH

OF COUNSEL  
LLOYD G. CONNELLY, *Member*  
*California State Legislature*

300 Capitol Mall, Suite 350  
Sacramento, California 95814  
TELEPHONE: (916) 442-2952  
FAX: (916) 442-1280

*Law Offices of*  
**OLSON, CONNELLY, HAGEL & FONG**

June 27, 1989

JUN 27 1989 10:00

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General Counsel  
FAIR POLITICAL PRACTICES COMMISSION  
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OF COUNSEL  
LLOYD G. CONNELLY, Member  
California State Legislature

Kathryn Donovan  
June 27, 1989  
Page two

The Senate Rules Committee is aware of the Commission's advice to the Assembly Rules Committee (Advice Letter to Bob Connelly, No. A-89-198.) That letter advises that materials which feature a member of the Legislature (such as the documents described herein) may be made available to members of the public for them to pick up by being placed in a distribution box labeled "take one" which is located in a public facility.

Assuming that the documents described herein are placed in a distribution box such as that described in the Connelly advice letter, supra, may such a box be placed in the following locations?

1. In the public areas of a local county fairground during the County Fair, or during some other public event sponsored in whole or in part by a public entity.
2. In the public areas of a local public school, so long as the documents are not assigned as reading for the students.
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4. In a local public hospital waiting room.
5. In a local government administration building.
6. In an office of a state agency, such as the Department of Motor Vehicles.
7. In legislator's capitol or district offices.

Having reviewed the Connelly advice letter, supra, it appears that the answers to the foregoing questions are all affirmative. However, the Senate Rules Committee wishes to confirm this through formal written advice prior to authorizing the requested documents.

Very truly yours,

OLSON, CONNELLY, HAGEL & FONG



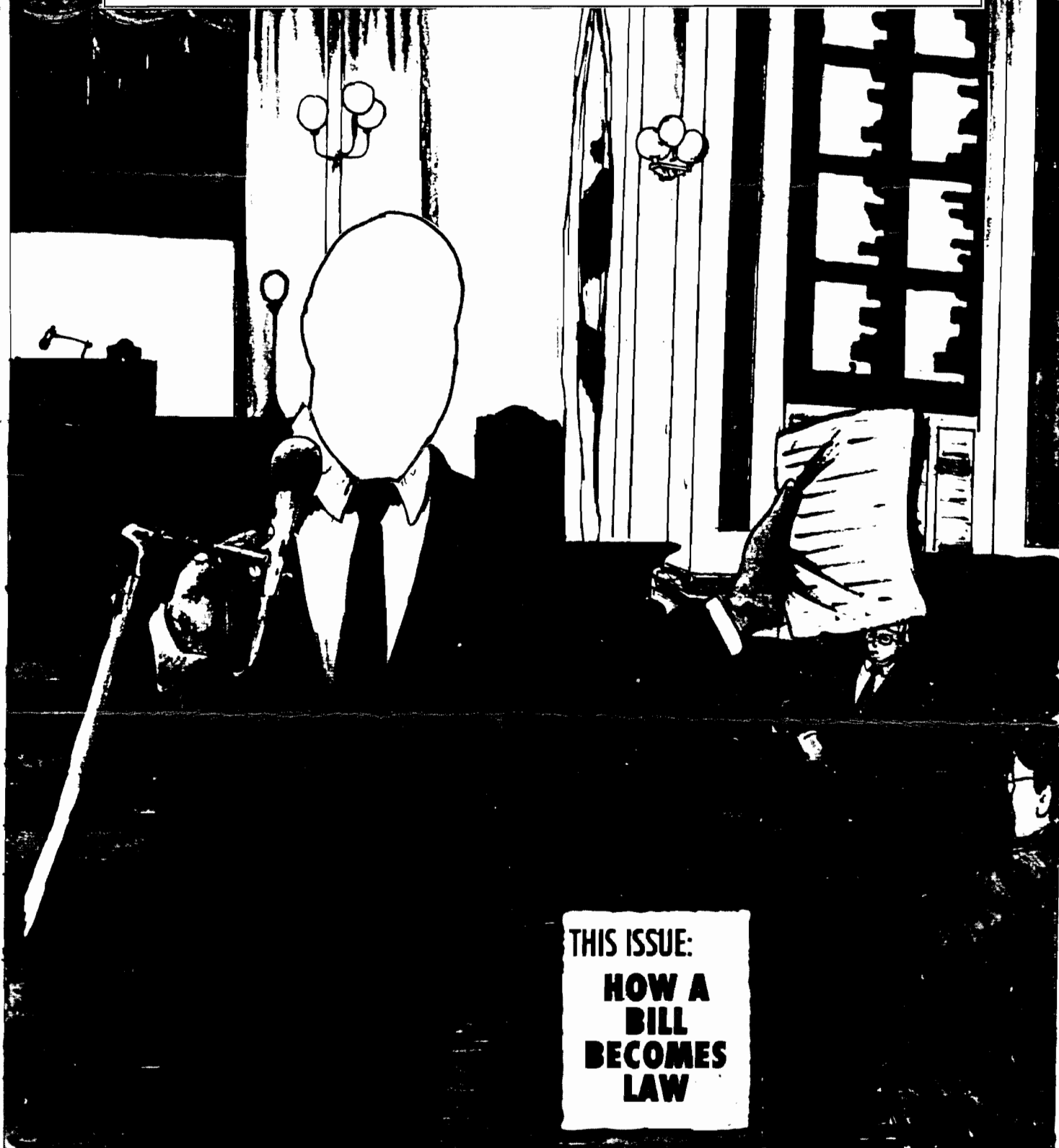
ROBERT E. LEIDIGH

cc: Senate Rules Committee

# **CALIFORNIA STATE SENATE**

## **LEGISLATIVE REPORT - STUDENT EDITION**

*PRESENTED BY SENATOR JOHN SMITH*



**THIS ISSUE:**

**HOW A  
BILL  
BECOMES  
LAW**







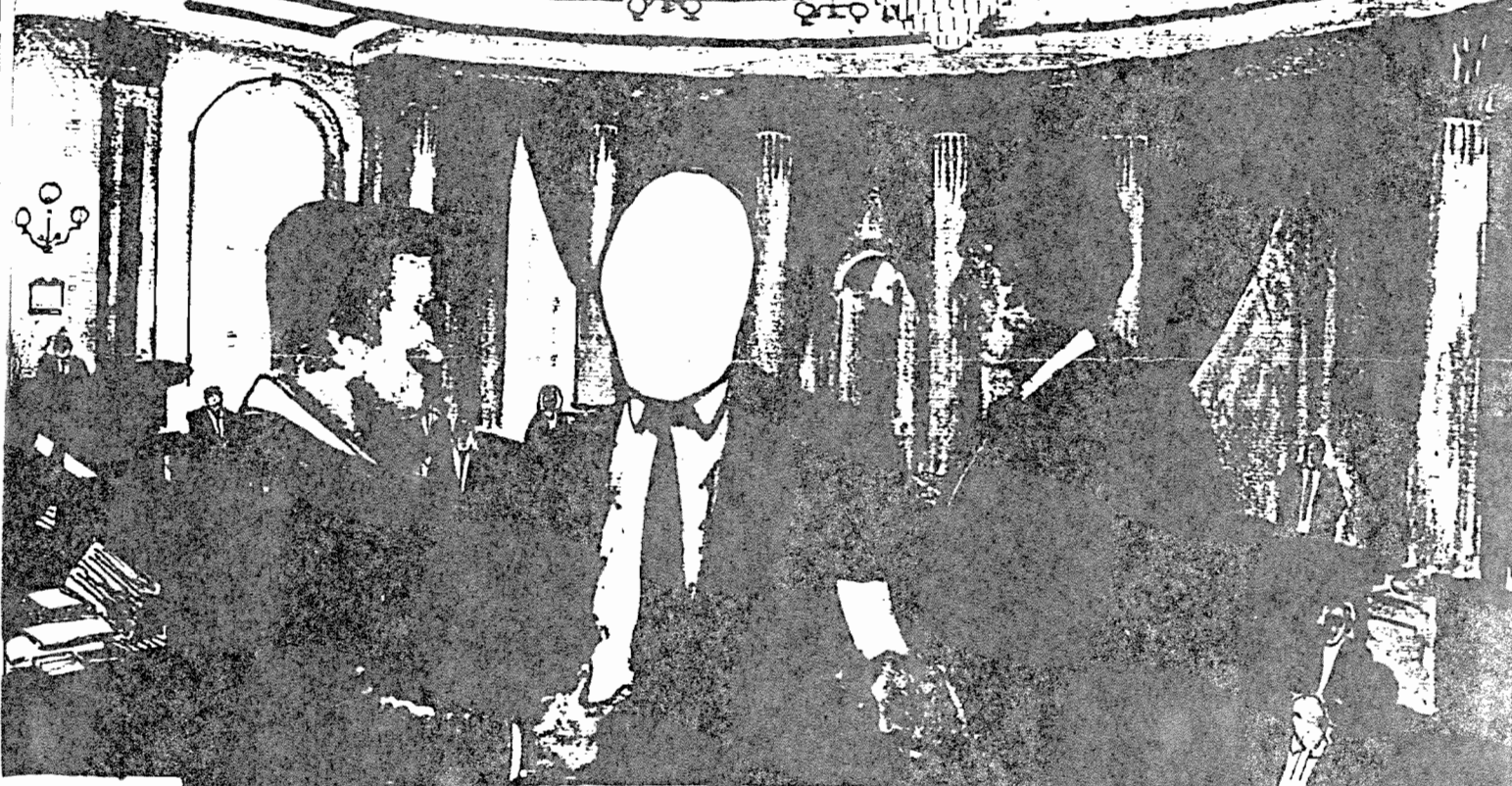
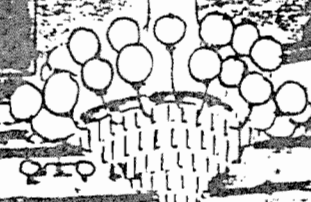
ONLY THOSE BILLS WHICH PASS COMMITTEE GO TO THE FLOOR OF HOUSE (ASSEMBLY AND SENATE) FOR A VOTE.



IN REVENUE TO THE STATE GOVERNMENT. THE COST OF THE GOVERNMENT IS CONSIDERED.



IF THE BILL PASSES THE  
COMMITTEE HEARINGS  
DEBATED IN THE SENATE



WITH 40 MEMBERS IN THE  
SENATE, A MAJORITY  
(60 VOTES) ARE NEEDED TO PASS

3  
SENATE



IF THE BILL PASSES THE  
COMMITTEE HEARINGS  
DEBATED ON THE FLOOR



WITH 40 MEMBERS IN THE  
SENATE, A MAJORITY OF  
(YES) ARE NEEDED TO PASS

Kathryn Donovan  
June 27, 1989  
Page two

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Very truly yours,

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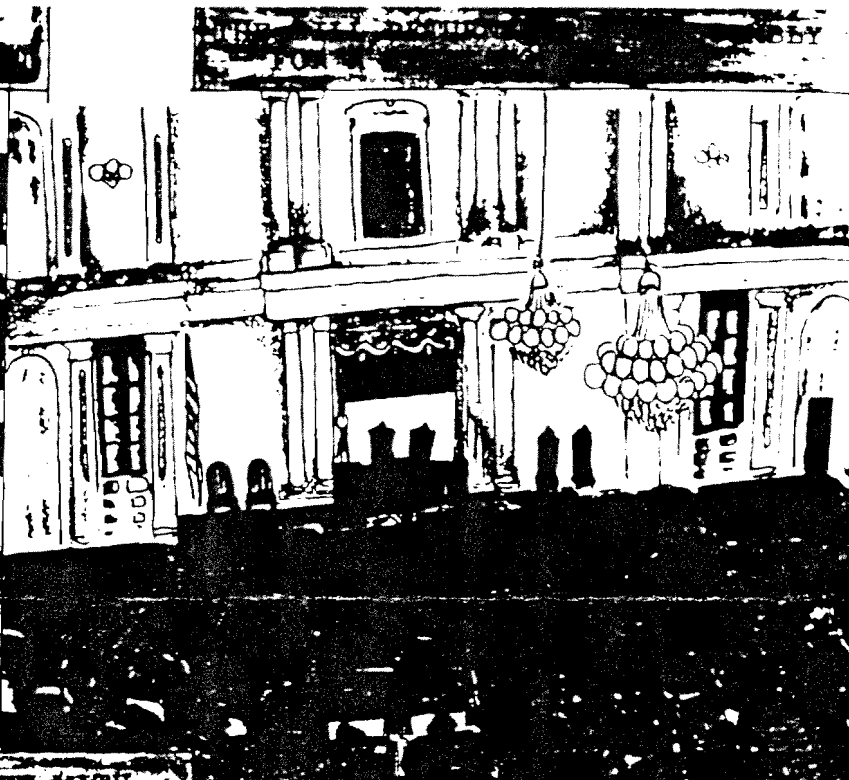


ROBERT E. LEIDIGH

cc: Senate Rules Committee

IF THE BILL FROM THE ASSEMBLY  
THERE ARE NOT SENATE AMENDMENTS,  
IT GOES TO THE GOVERNOR.

GOVERNOR

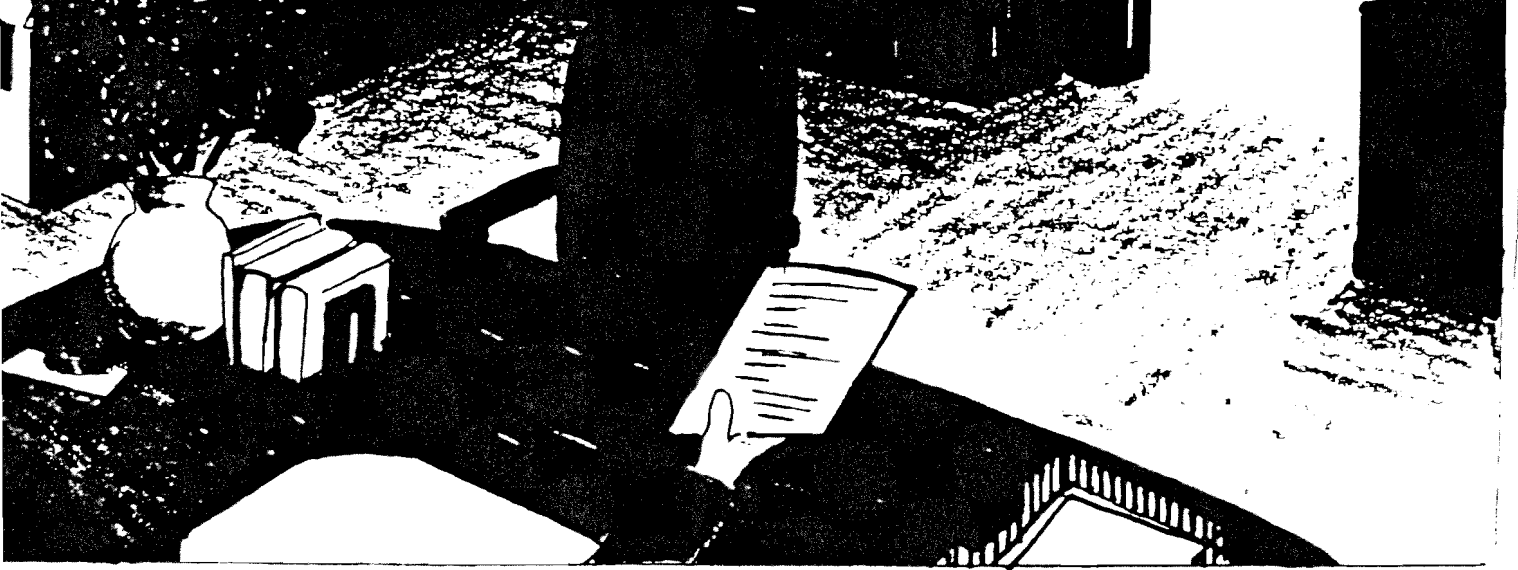


IF THE ASSEMBLY DOES NOT AGREE WITH  
SENATE AMENDMENTS, A CONFERENCE COM-  
MITTEE IS FORMED TO WORK OUT PROBLEMS  
AND SEND THE BILL BACK TO BOTH  
HOUSES FOR A FINAL VOTE.



IF THE SENATE AND ASSEMBLY PASS  
THE BILL, IT IS SENT TO THE  
GOVERNOR. UNLESS VETOED, THE  
BILL FINALLY BECOMES LAW.

(picture  
of Senate  
Member will  
be drawn here)



IF THE BILL PASSES THE  
COMMITTEE HEARING

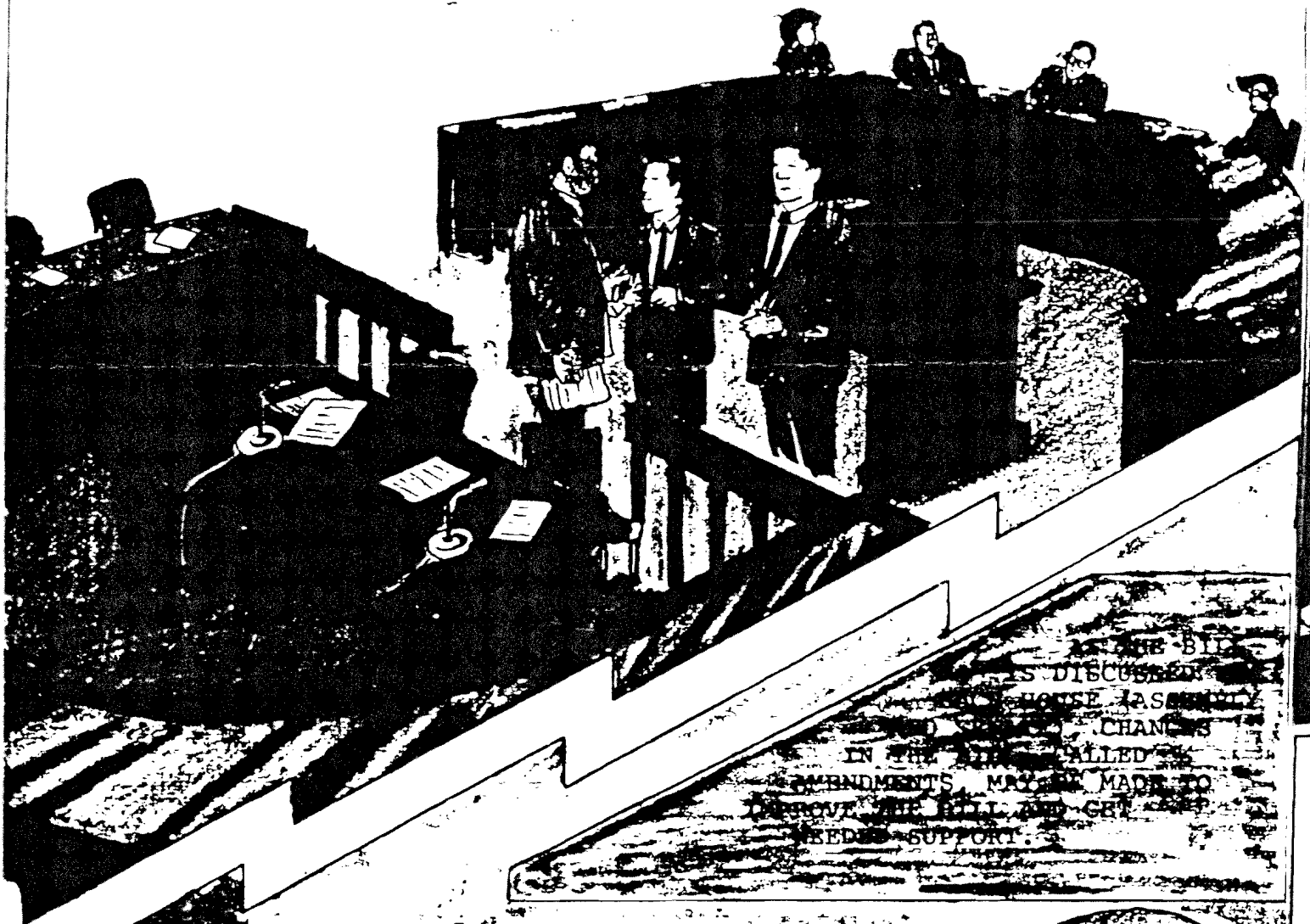
DEBATED ON THE FLOOR



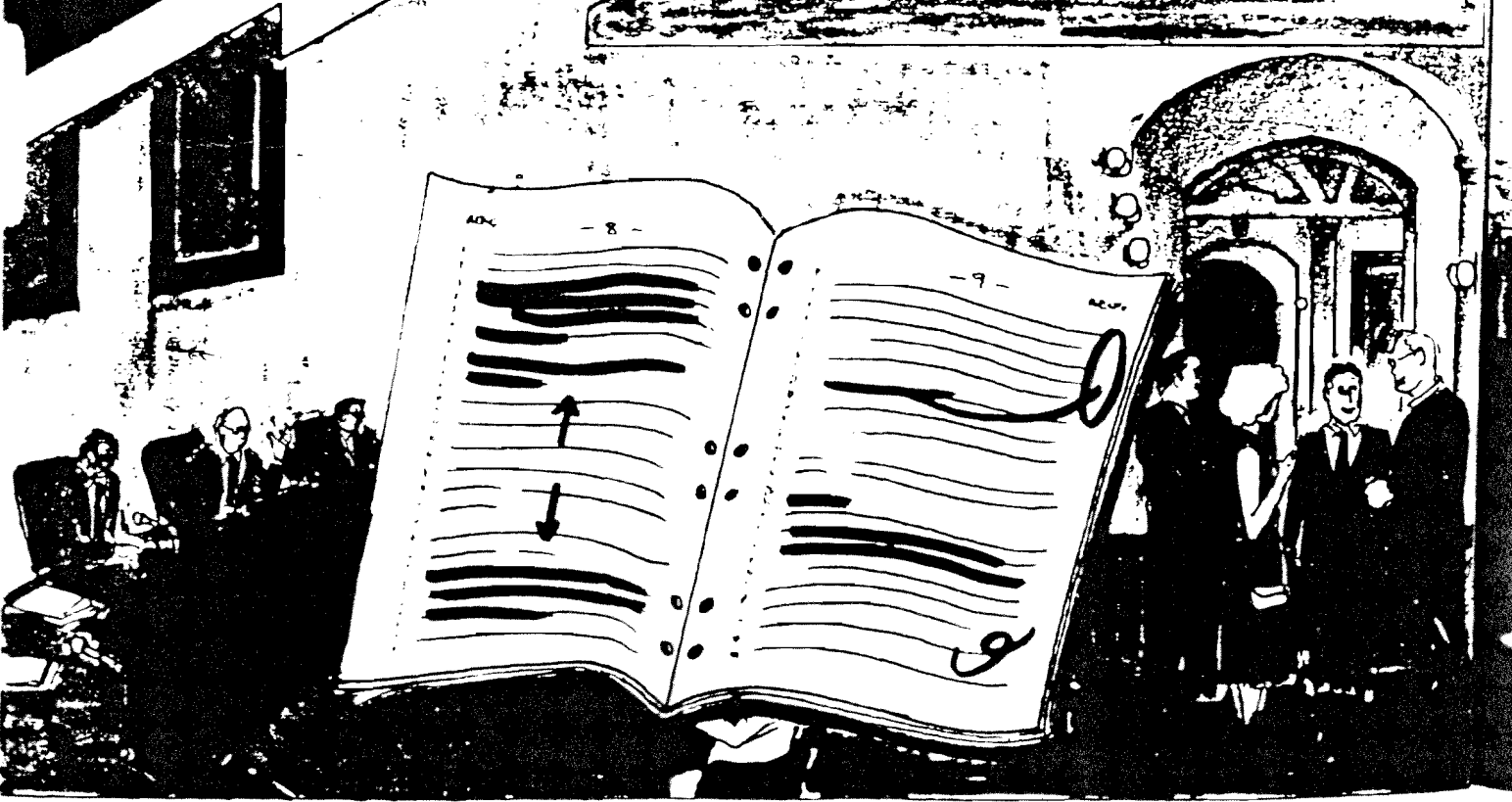
WITH 40 MEMBERS IN THE  
SENATE, A MAJORITY OF 60  
(YES) ARE NEEDED TO PASS



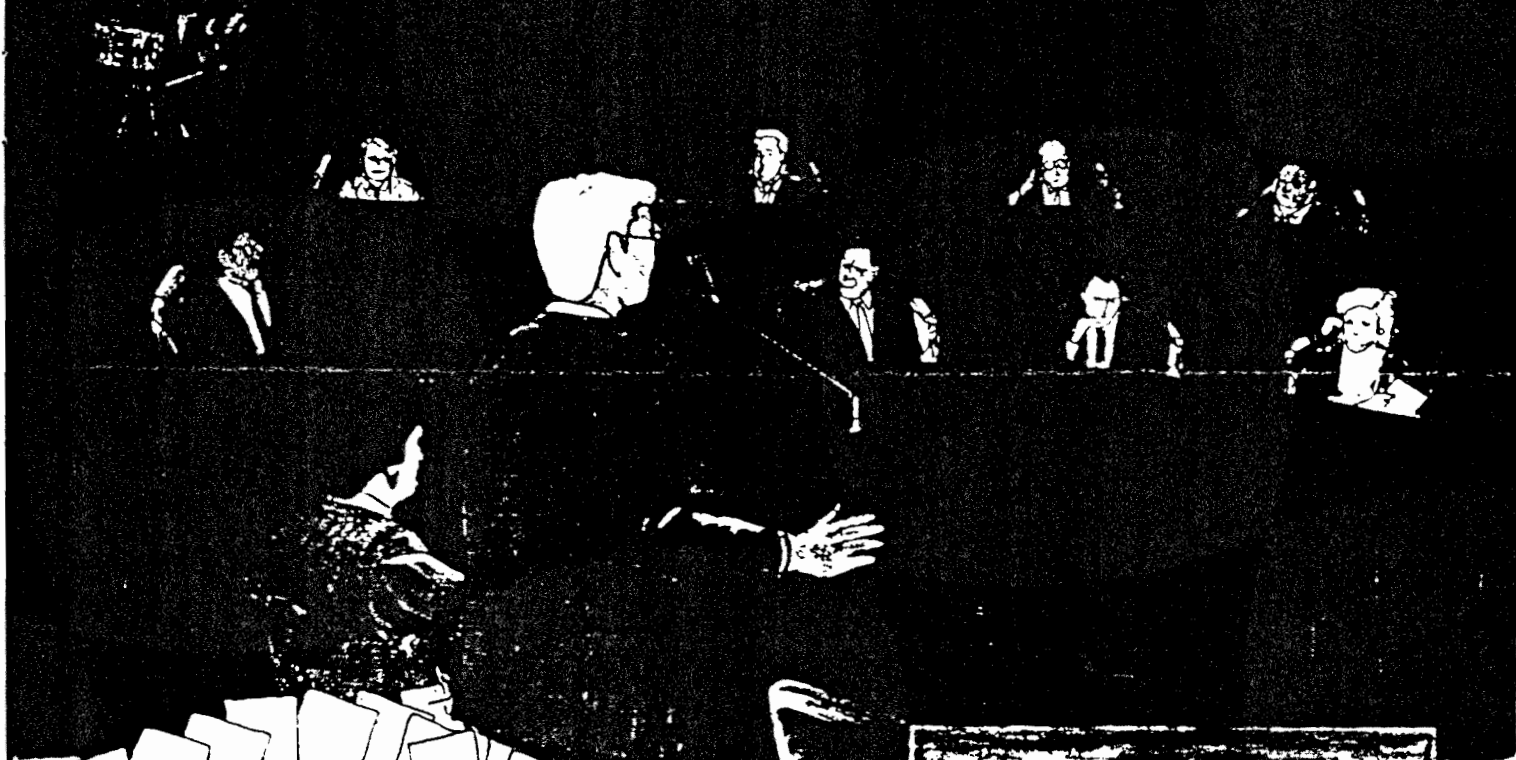
IF THE BILL GETS OUT OF THE HOUSE, IT MOVES TO THE SENATE FOR FURTHER CONSIDERATION BY THE (APPROPRIATE) FISCAL COMMITTEE



THE BILL IS DISCUSSED IN THE HOUSE ASSEMBLY. CHANGES IN THE BILL CALLED FOR AMENDMENTS. MANY MADE TO IMPROVE THE BILL AND GET THE NEEDED SUPPORT.



TO BE ENJOYED  
GONE TO THE  
COMMITTEE  
COST  
CONSIDERED



THE  
SYMPHONY  
PASSAGE



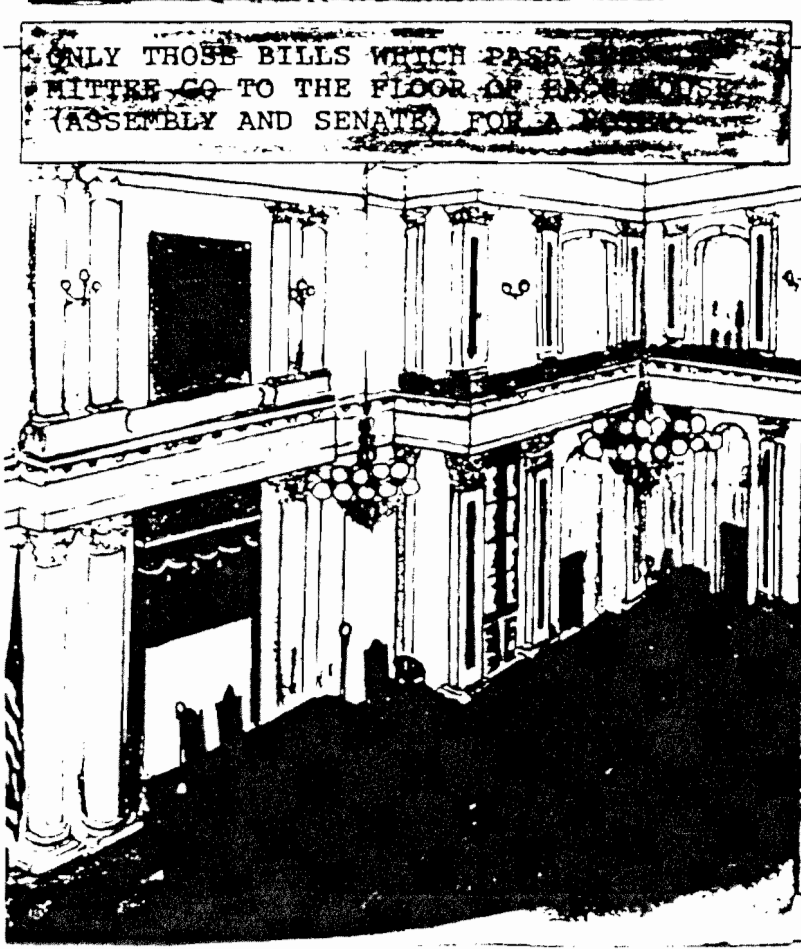
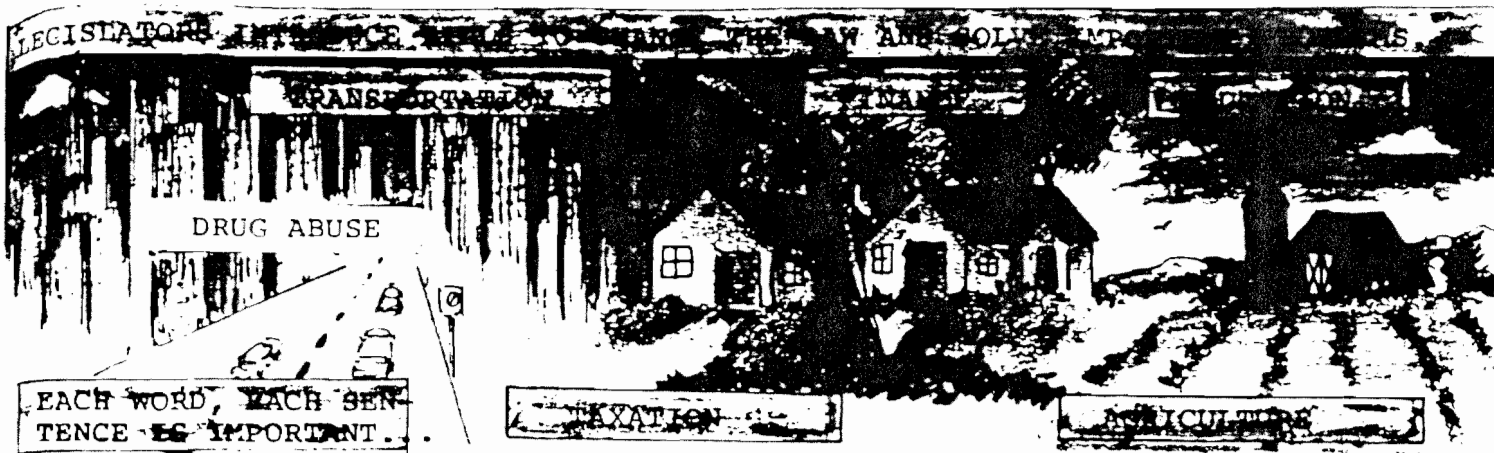
THE  
PASSAGE  
THE

AN ASSEMBLY BILL  
POLICY COMMITTEE TO DECIDE  
GOOD IDEA. LEGISLATOR




LETTERS WRITTEN  
TO LEGISLATORS  
(JUST LIKE YOURS)  
ARE CONSIDERED  
ALONG WITH  
TESTIMONY

NO. 1000  
WHERE  
BILL NE  
MEMBER  
FISCAL







STUDENTS JUST LIKE YOU  
INFLUENCE CHANGE. BY  
KNOWING YOUR FACTS...

...BY PRESENTING  
YOUR IDEAS...

...YOU CAN GET  
THINGS DONE.

YOU HAVE TO KNOW  
HOW THE LAW CAN  
BE CHANGED...

...HOW A BILL  
BECOMES LAW.

SUPPORT  
SENATE  
BILL



WHEN CAN I  
GET A JOB?

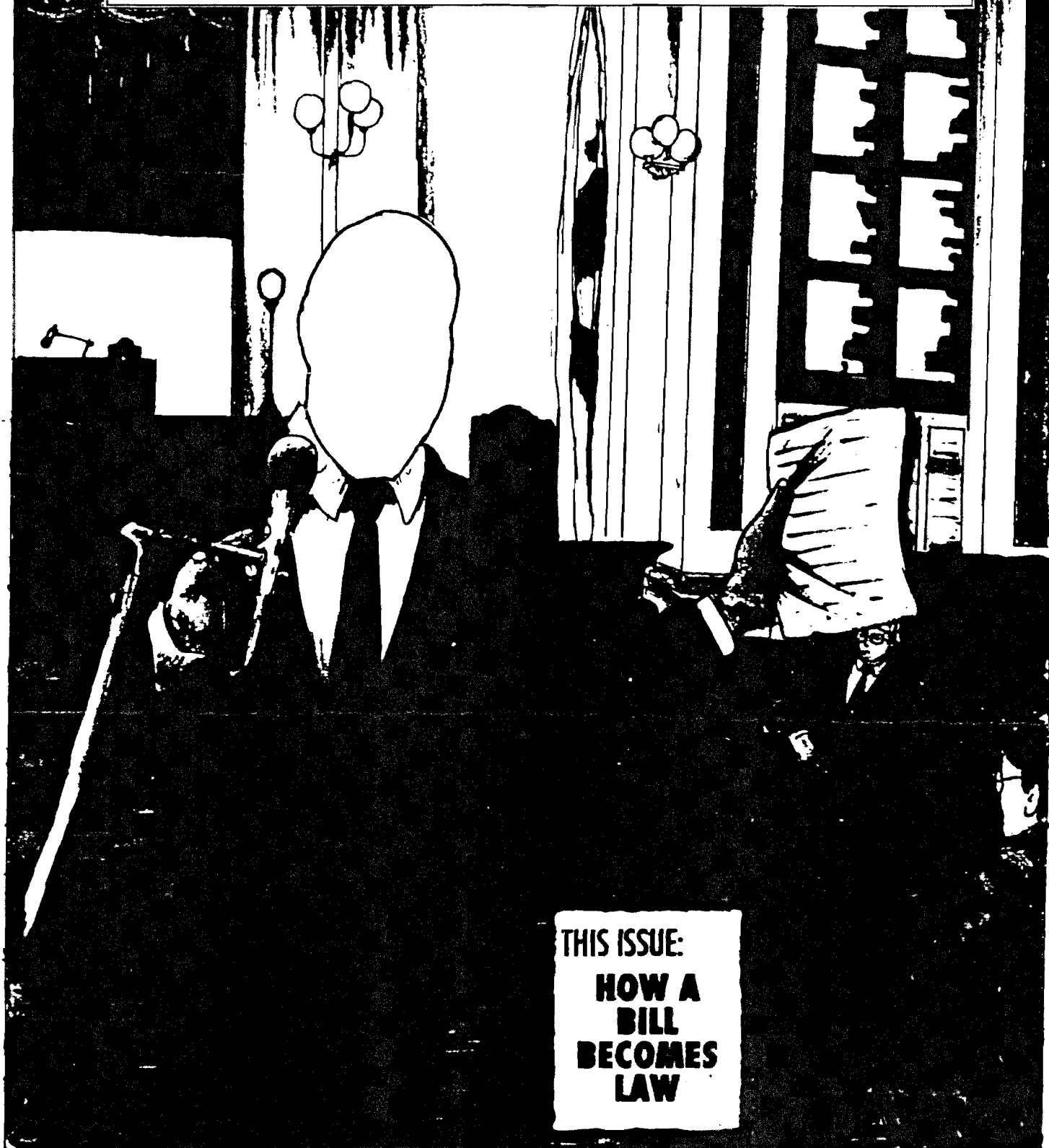
WHAT CAN WE  
DO ABOUT  
GANGS?

WHAT CAN WE  
DO ABOUT  
GANGS?

# **CALIFORNIA STATE SENATE**

## **LEGISLATIVE REPORT - STUDENT EDITION**

*PRESENTED BY SENATOR JOHN SMITH*



**THIS ISSUE:**

**HOW A  
BILL  
BECOMES  
LAW**



# California Fair Political Practices Commission

June 28, 1989

Robert E. Leidigh  
Olson, Connelly, Hagel & Fong  
300 Capitol Mall, Suite 350  
Sacramento, CA 95184

Re: Letter No. 89-381

Dear Mr. Leidigh:

Your letter requesting advice under the Political Reform Act was received on June 27, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John Wallace an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Kathryn E. Donovan  
General Counsel

KED:plh